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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/828,856	04/10/2001	Hsi-Hsun Huang	MSIP0038USA	6956
27765	7590	11/17/2005	EXAMINER	
NORTH AMERICA INTELLECTUAL PROPERTY CORPORATION P.O. BOX 506 MERRIFIELD, VA 22116			GIBBS, HEATHER D	
			ART UNIT	PAPER NUMBER
			2627	

DATE MAILED: 11/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/828,856	Applicant(s) HUANG, HSI-HSUN	
	Examiner Heather D. Gibbs	Art Unit 2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The amendment filed on May 19, 2005 has been entered and made of record. Claims 1-11 are pending.

Response to Arguments

2. Applicant's arguments filed have been fully considered but they are not persuasive. Applicant argues Schlank (US 6,134,017) "does not teach a network server for transmitting drivers to the computer" Upon further review; the examiner finds this limitation to be taught in Fig 3 and Col 5 Lines 7-32. Schlank discloses a computer bus 41 that is connected to a network interface 43. Applicant also argues Schlank does not teach a browser installed on the computer to enable the user to browse the network. Examiner finds this limitation is taught in Col 13 Lines 42-54 (browser is used to allow the user to select from multi page documents from a list). The applicant further argues, "Schlank does not teach a driver selection system". As previously mentioned, this feature is taught in Col 13 Lines 42-54 and as outlined in the previous Office Action.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-2,4,9-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Schlank et al (US 6,134,017).

Regarding claim 1, Schlank discloses a server for a network, the server enabling a user at a station to scan a document, the station comprising: a computer connected to the network (Fig 3; Col 5 Lines 7-13); a browser installed on the computer to enable the user to browse the network (Col 3 Lines 48-56); and a scanner in communication with the computer (Col 4 Lines 43-52); the server comprising: a database of scanner drivers (Col 3 Lines 57-67); a driver selection system that enables the user to select a driver for the scanner from the database of scanner drivers (Col 5 Lines 22-32); and a delivery system that transfers a selected driver to the computer and causes the computer to execute the drive (Col 5 Lines 7-47); wherein the user used the browser and the driver selection system to select a driver for the scanner, the delivery system sends the driver to the computer, the computer executes the driver, the driver used the scanner to scan a document, and scanning data corresponding to the document is saved in a predetermined location (Col 5 Lines 23-32).

Considering claim 2, Schlank teaches a destination selection system that enables the user to use the browser to select the predetermined location for saving the scanning data (Col 6 Lines 50-56).

Considering claim 4, Schlank teaches wherein the computer further comprises a media for storing data, and the predetermined location specifies that the media be used to save the scanning data (Col 5 Lines 7-21; Fig 3).

Regarding claim 9, Schlank discloses wherein the selected driver is transferred to the computer in a self-extracting executable file format (Col 5 Lines 15-32).

In Claim 10, Schlank teaches wherein the driver is removed from the computer after the scanning data is saved in the predetermined location (Col 5 Lines 15-32).

For claim 11, Schlank teaches wherein the server comprises a network connection, and the server communicates with the station through the network (Fig 3).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3,5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schlank in view of Matsuyama (US 6,330,068).

Schlank discloses the server as discussed above in claim 1.

Schlank does not disclose expressly wherein the predetermined location comprised a universal resource locator (URL) or an electronic mail (e-mail) account address; a login system for establishing an identify of the user; wherein prior to using the driver selection system, the user first used the login system to log into the server computer; wherein the login system correlates the identity of the user with an account on the server, and the scanning data is saved in the account; wherein the account is an e-mail account; and comprising a viewing system for enabling the user to view the scanning data saved in the account.

Matsuyama discloses wherein the predetermined location comprised a universal resource locator (URL) or an electronic mail (e-mail) account address (Col 10 Lines 5-17); a login system for establishing an identify of the user; wherein prior to using the driver selection system, the user first used the login system to log into the server computer (Col 31 Lines 25-41); wherein the login system correlates the identity of the user with an account on the server, and the scanning data is saved in the account; wherein the account is an e-mail account (Col 34 Lines 49-57); and comprising a viewing system for enabling the user to view the scanning data saved in the account (Fig 33).

Schlank & Matsuyama are combinable because they are from the field of network servers.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine Matsuyama with Schlank.

The suggestion/motivation for doing so would have been to create a login system that correlates with the scanned-in data.

Therefore, it would have been obvious to combine Schlank with Matsuyama to obtain the invention as specified in claims 3,5-8.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

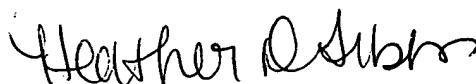
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Heather D. Gibbs whose telephone number is 571-272-7404. The examiner can normally be reached on M-Thu 8AM-7PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on 571-272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2627

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Heather D Gibbs
Examiner
Art Unit 2627

hdg


TWYLER LAMB
PRIMARY EXAMINER